

**25020. Adulteration and misbranding of egg noodles. U. S. v. 11 Cases, et al., of Egg Noodles. Default decrees of condemnation and destruction. (F. & D. nos. 35698, 35817. Sample nos. 28614-B, 28646-B.)**

These cases involved interstate shipments of egg noodles which contained added soybean flour and coloring matter.

On July 2 and July 29, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 cases and 28½ dozen packages of egg noodles at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 2 and June 3, 1935, by Horowitz Bros. & Margaretten, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Horowitz-Margaretten Pure Egg Noodles Manufactured by Horowitz Bros. & Margaretten \* \* \* New York." The remainder was labeled in part: "My-Te Good Brand Egg Noodles \* \* \* Strictly pure, no artificial color used. Packed Expressly for Donahoes Pittsburgh, Pa. Mfd. by H.-M. Co. New York."

The article was alleged to be adulterated in that a product containing soybean flour and an added color, turmeric, had been substituted for pure egg noodles, which the article purported to be. Adulteration was alleged for the further reason that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Pure Egg Noodles" and "Egg noodles \* \* \* Strictly Pure no artificial color used", were false and misleading, and tended to deceive and mislead the purchaser, when applied to a mixture of egg noodles, soybean flour, and added coloring matter.

On August 28, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25021. Adulteration of butter. U. S. v. 73 Cases and 50 Tubs of Butter. Decrees of condemnation and destruction. (F. & D. nos. 35557, 35707. Sample nos. 22602-B, 28522-B.)**

These cases involved shipments of butters samples of which were found to contain mold, insects, hair, and other extraneous matter.

On May 10 and June 4, 1935, the United States attorneys for the Southern District of Alabama, and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 73 cases of print butter at Mobile, Ala., and 50 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 5 and May 21, 1935, by the Louisville Creamery Co., from Louisville, Miss., and charging adulteration in violation of the Food and Drugs Act. The print butter was labeled in part: (Carton) "Daisy Maid Brand Creamery Butter \* \* \* The Cudahy Packing Co., \* \* \* Chicago, U. S. A."

The print butter was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance. The tub butter was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On September 9, 1935, the Louisville Creamery Co. having filed a claim and answer in the case instituted at Mobile, Ala., and having subsequently filed an amended answer admitting the allegations of the libel and consenting to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed, and that the costs of the proceedings be taxed against the claimant. On August 15, 1935, no claim having been entered for the butter seized at New Orleans, La., judgment was entered ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25022. Adulteration of tomato puree. U. S. v. 1,200 Cases of Tomato Puree. Decree of condemnation. Product released under bond. (F. & D. no. 35747. Sample no. 38783-B.)**

This case involved a shipment of tomato puree that was deficient in tomato solids.

On July 8, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district